

Application No. 10/712,096
Amendment dated September 25, 2006
After Final Office Action of March 30, 2006

Docket No.: 4726-0103P

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REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-3 and 6-8 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Telephone Interview

Applicant notes with appreciation the telephone interview conducted on September 21, 2006. During the course of the interview, an explanation was given as to why the term "laminated" was not just a method limitation, but also described the structure between two sheet materials which are bonded to each other. During the discussion, the Examiner suggested that the word "bonded" would more likely be given patentable weight since it is more of a structural limitation. By way of the present Amendment, Applicant has adopted the Examiner's suggestion and amended claims 1 and 6 to use the word "bonded." This Amendment is now being presented for full consideration.

Entry of Amendment

By way of the present Amendment, Applicant has made the change suggested by the Examiner during the telephone interview. Since this change was considered during the interview and since it was the suggestion of the Examiner, Applicant submits that further search and consideration is not necessary by the Examiner. Accordingly, Applicant submits that entry of this Amendment and full consideration thereof is appropriate.

Claim Amendments

Applicant is submitting the present claim amendments based on the Amendment submitted on July 31, 2006. In the Advisory Action, the Examiner indicated that the Amendment would be entered for purposes of appeal. It is assumed that it is not necessary to repeat those changes as if they were new changes.

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Rejection Under 35 USC 103

Claims 1-3 and 6-8 stand rejected under 35 USC 103 as being obvious over Fenwick (U.S. Patent 1,959,782) in view of Bourdelais et al. (U.S. Patent 5,874,205). This rejection is respectfully traversed.

The Fenwick reference has been cited to show a waterproof bag having a woven base component and waterproof coating. The Examiner relies on Bourdelais to teach a composite having a polymer sheet affixed to a support layer and with a photograph appearing on the outer surface.

The Examiner has previously stated that the term "laminated" would not be given patentable weight since it relates to a method step. Applicant disagrees since the term "laminated" not only refers to the step of attaching two sheets together, but also describes the relationship between the two sheets after they are bonded, that is that the two sheets overlies and are bonded together in a fixed relationship. At the Examiner's suggestion, the word "bonded" has been substituted and it is believed that this likewise describes the relationship between the base component and the waterproof film so that this term should be given patentable weight as a structural limitation.

Applicants submit that the Fenwick reference does not describe a waterproof film which is bonded to the base component. As described at page 1, lines 90-92, the flexible tubular member 2 is inherently water impervious or can be made waterproof by suitable treatment. Also, at lines 100 to 104 it is stated that the woven fabric is treated with a suitable water proofing coating, for example rubberizing. Applicant submits that this type of coating does not describe a waterproof film which is bonded to a woven base component. Instead, the waterproofing is applied to the woven fabric and dries thereon by surrounding the fabric strands and filling the interstices between them. Thus, the coating which is formed is not a waterproof film and it is not "bonded" but instead is "coated" on the base component. For the reasons, Applicant submits that claims 1 and 6 are not obvious over Fenwick. The Examiner cited the Bourdelais et al. reference only for the showing of the printed film. This reference does not describe a waterproof film which is bonded to the base component. Accordingly, Applicant submits that claims 1 and 6

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likewise define over the combination of Fenwick and Bourdelais et al. For these reasons, Applicant submits that claims 1 and 6 are patentable.

Claims 2, 3, 7 and 8 depend from these allowable independent claims and as such are also considered to be allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 25, 2006

Respectfully submitted,

By  ^{Reg No 39,538}
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